Filings Inventory – US v. Khadr

As of 1200, 3 February 2008

This Filings Inventory includes only those matters filed since 1 March 2007.

Prosecution (P Designations)

Name	Motion Filed	Response	Reply	Status /Disposition/Notes 0R = First (original) filing in series Letter indicates filings submitted after initial filing in the series. R=Reference	AE
P 001: Motion to Reconsider (Dismissal Order)				• See Inactive Section	
P 002: MCRE 505 Review Request				See Inactive Section	
				•	
				•	

Defense (D Designations)

Designation Name	Motion Filed	Response Filed	Reply Filed	Status /Disposition/Notes 0R = First (original) filing in series Letter indicates filings submitted after initial filing in the series. Ref=Reference	AE
D 001: Motion to Vacate, or Alternately, for Continuance				• See Inactive Section	
D 002: Motion for Abeyance of Proceedings				• See Inactive Section	
D 003: Motion for Continuance				• See Inactive Section	
D 004: Motion for Proper Status Determination				• See Inactive Section	
D 005: Motion for Continuance				• See Inactive Section	
D 006: Defense Special Request for Deposition of FBI Witness				• See Inactive Section	
D 007: Defense Request for Continuance for Submission of All Law Motions				• See Inactive Section	
D 008: Defense Motion to Dismiss Charge I	7 Dec 07	14 Dec 07	19Dec 07	Motion FiledA. Pros ResponseB. Def Reply	
D 009: Defense Motion to Dismiss Charge II	7 Dec 07	14 Dec 07	19 Dec 07	Motion FiledA. Pros ResponseB. Def Reply	
D 010: Defense Motion to Dismiss Charge III	7 Dec 07	14 Dec 07	19 Dec 07	Motion FiledA. Prose ResponseB. Def Reply	

Designation Name	Motion Filed	Response Filed	Reply Filed	Status /Disposition/Notes 0R = First (original) filing in series Letter indicates filings submitted after initial filing in the series. Ref=Reference	AE
D 011: Defense Motion to Dismiss Charge IV	7 Dec 07	14 Dec 07	4 Jan 07	 Motion Filed A. Prosecution Response B. Defense email dtd 18 Dec 07 requesting additional time to reply C. MJ email dtd 19 Dec 08 granting Resp delay until 4 Jan 08 D. Pros email dtd 19 Dec 08 objecting to delay E. Defense Reply 	
D 012: Defense Motion to Dismiss Charge V	7 Dec 07	14 Dec 07	4 Jan 07	 Motion Filed A. Prosecution Response B. Defense email dtd 18 Dec 07 requesting additional time to reply C. MJ email dtd 19 Dec 08 granting Resp delay until 4 Jan 08 D. Pros email dtd 19 Dec 08 objecting to delay E. Defense Reply 	
D 013: Defense Motion to Dismiss for Lack of Jurisdiction (Bill of Attainder)	7 Dec 07	14 Dec 07	4 Jan 07	 Motion Filed A. Prosecution Response B. Defense email dtd 18 Dec 07 requesting additional time to reply C. MJ email dtd 19 Dec 08 granting Resp delay until 4 Jan 08 D. Pros email dtd 19 Dec 08 objecting to delay E. Defense Reply 	

Designation Name	Motion Filed	Response Filed	Reply Filed	Status /Disposition/Notes 0R = First (original) filing in series Letter indicates filings submitted after initial filing in the series. Ref=Reference	AE
D 014: Defense Motion to Dismiss Charges for Lack of Jurisdiction (Equal Protection)	11 Jan 08	18 Jan 08	24 Jan 08	 Motion Filed A. Prosecution Response B. Defense Reply 	
D 015: Defense Motion to Preclude Further Ex Parte Proceedings Under Color of MCRE 505(e)(3)	11 Jan 08	18 Jan 08	24 Jan 08	 Motion Filed A. Prosecution Response B. Defense Reply 	
D 016: Defense Motion to Dismiss Spec 2 of Chg IV on grounds of Multiplicity & UMC	11 Jan 08	18 Jan 08	N/A	 Motion Filed A. Prosecution Response B. Email dtd 24 Jan 08, LCDR Kuebler stating no reply will be filed 	
D 017: Motion for Appropriate Relief (Bill of Particulars)	11 Jan 08	18 Jan 08	N/A	 Motion Filed A. Prosecution Response B. Email dtd 24 Jan 08, LCDR Kuebler stating no reply will be filed 	
D 018: Motion to Strike Terrorism in Chg III	11 Jan 08	22 Jan 08	28 Jan 08	 Motion Filed A. Prosecution Response, 1636 hrs, 18 Jan 08 B. Prosecution request to withdraw response, 2018 hrs, 18 Jan 08 C. Original Response vacated by MJ, 2115 hrs, 18 Jan 08 D. Prosecution Response, dtd 22 Jan 08 E. Defense email dtd 25 Jan 08 requesting additional 24 hours to reply due to redaction issue F. MJ email dtd 25 Jan 08 granting delay to reply NLT 1630 hours, 28 Jan 08 G. Defense reply 	

Designation Name	Motion Filed	Response Filed	Reply Filed	Status /Disposition/Notes 0R = First (original) filing in series Letter indicates filings submitted after initial filing in the series. Ref=Reference	AE
D 019: Motion to Strike Surplus Language (Charge III)	11 Jan 08	18 Jan 08	N/A	 Motion Filed A. Prosecution Response B. Email dtd 24 Jan 08, LCDR Kuebler stating no reply will be filed 	
D 020: Special Request for Relief from Terms of Protective Order No. 001	16 Jan 08	23 Jan 08	27 Jan 08	 Motion Filed A. Prosecution Response B. Defense Reply 	
D 021: Defense Motion to Dismiss for Lack of Jurisdiction (Common Article 3)	17 Jan 08	24 Jan 08	29 Jan 08	 Motion Filed A. Prosecution Response B. Defense Reply 	
D 022: Defense Motion to Dismiss Charges for Lack of Jurisdiction (Child Soldier)	18 Jan 08	25 Jan 08	31 Jan 08	 Motion Filed A. Amicus Brief dtd 18 Jan 08 filed with Clerk of Court on behalf of Sen Robert Badinter ISO Motion to Dismiss B. Amicus Brief dtd 18 Jan 08 filed with Clerk of Court on behalf of Canadian parliamentarians and law professors C. Amicus Brief dtd 18 Jan 08 filed by Clerk of Court on behalf of Juvenile Law Center ISO Motion to Dismiss D. Prosecution Response 	
D 023: Defense Motion for Appropriate Relief (Strike Murder from Chg III)	18 Jan 08	25 Jan 08	N/A	 Motion Filed A. Prosecution Response B. Email dtd 3 Feb 08, LCDR Kuebler stating no reply will be filed 	

MJ Designations

Designation Name (MJ)	Status /Disposition/Notes OR = First (original) filing in series Letter indicates filings submitted after initial filing in the series. Ref=Reference	AE
MJ 001: Detail of Military Judge, and Scheduling of First Session	• See Inactive Section	
MJ 002: Voir Dire	• See Inactive Section	
MJ 003: Rules of Court	• See Inactive Section	
MJ 004: Initial Notice of Trial Proceedings following CMCR Ruling	• See Inactive Section	
MJ 005: Special Instructions to Parties re 8 Nov 07 Hearing to determine Initial Threshold Status	• See Inactive Section	
MJ 006: Motion by Press Petitioners for Public Access to Proceedings and Records	• See Inactive Section	
MJ 007: Special Instructions to Parties re Submitting Documents Requiring Redaction	• See Inactive Section	
MJ 008: Emergency Weekend GTMO Visitation	• See Inactive Section	
MJ 009: Trial Schedule	 Sent to all parties 28 Nov 07 A. Defense email dtd 18 Jan 08 reserving right to file additional law motions 	

PROTECTIVE ORDERS

Pro Ord #	Designation when signed	# of Pages in Order	Date Signed	Status /Disposition/Notes 0R = First (original) filing in series Letter indicates filings submitted after initial filing in the series. R=Reference	AE
1	Protective Order # 1	3	9 Oct 07	 Prosecution Motion to Request Issuance of Protective Order for Classified, FOUO or LES, and other markings A. Prosecution email on 28 Sep 07 requesting Issuance of 29 May 07 Proposed Protective Orders B. MJ email on 28 Sep 07 urging parties to confer and re-submit Requests for Protective Orders C. Prosecution email 9 Oct 07 confirming agreement on FOUO and Classified Information Protective Order D. MJ email containing FOUO and Classified Information Protective Order dtd 9 Oct 07 	OR - 035 A - 031 B - 031 C - 031 D - 031
2	Protective Order # 2	2	12 Oct 07	 Prosecution Motion to Request Issuance of Protective Order for ID of Intelligence Personnel A. Prosecution email on 28 Sep 07 requesting Issuance of 29 May 07 Proposed Protective Orders B. MJ email on 28 Sep 07 urging parties to confer and re-submit Requests for Protective Orders C. Prosecution email 9 Oct 07 confirming agreement on FOUO and Classified Information Protective Order D. MJ Email 9 Oct 07 requesting Defense objections to Witness and Intelligence Personnel Proposed Protective Orders E. Defense email response 9 Oct 07 outlining objections to Witness and Intelligence Personnel Proposed Protective Orders F. MJ email 9 Oct 07 directing Prosecution to summarize necessity of proposed Witness and Intelligence Personnel Protective Orders G. Prosecution email 9 Oct 07 summary of necessity of Witness and Intelligence Personnel Protective Orders 	OR - 035 A - 032 B - 032 C - 032 D - 032 E - 032 F - 032 G - 032

Pro Ord #	Designation when signed	# of Pages in Order	Date Signed	 Status /Disposition/Notes • 0R = First (original) filing in series • Letter indicates filings submitted after initial filing in the series. • R=Reference 	AE
2 (Cont)	Protective Order # 2	2	12 Oct 07	 H. Defense objections to Prosecution's arguments of necessity for Witness and Intelligence Personnel Protective Orders I. MJ email 12 Oct 07 containing Protective Order # 2 Intelligence Personnel 	H – 032 I - 032
3	Protective Order # 3	2	15 Oct 07	 Prosecution Motion to Request Issuance of Protective Order for ID of Witnesses A. Prosecution email on 28 Sep 07 requesting Issuance of 29 May 07 Proposed Protective Orders B. MJ email on 28 Sep 07 urging parties to confer and re-submit Requests for Protective Orders C. Prosecution email 9 Oct 07 confirming agreement on FOUO and Classified Information Protective Order D. MJ Email 9 Oct 07 requesting Defense objections to Witness and Intelligence Personnel Proposed Protective Orders E. Defense email response 9 Oct 07 outlining objections to Witness and Intelligence Personnel Proposed Protective Orders F. MJ email 9 Oct 07 directing Prosecution to summarize necessity of proposed Witness and Intelligence Personnel Protective Orders G. Prosecution email 9 Oct 07 summary of necessity of Witness and Intelligence Personnel Protective Orders H. Defense objections to Prosecution's arguments of necessity for Witness and Intelligence Personnel Protective Orders I. MJ email 12 Oct 07 with Proposed Protective Order # 3 Witnesses directing parties to comment by 1600 12 Oct 07 J. Defense email 1421 12 Oct 07 commenting on Proposed Protective Order # 3 Witnesses K. Prosecution email 1426 12 Oct 07 commenting on Proposed Protective Order # 3 Witnesses K. Prosecution email 1426 12 Oct 07 commenting on Proposed Protective Order # 3 Witnesses 	OR - 035 A - 033 B - 033 C - 033 D - 033 F - 033 G - 033 H - 033 J - 033 K - 033

Pro Ord	Designation	# of Pages	Date	• Status /Disposition/Notes	AE
#	when signed	in Order	Signed	• 0R = First (original) filing in series	
				 Letter indicates filings submitted after initial filing in the series. 	
				• R=Reference	
3 (Cont)	Protective	2	15 Oct 07	•L. Defense email 1457 12 Oct 07 reply to Prosecution comments on	L - 033
	Order # 3			Proposed Protective Order # 3 Witnesses	
				• M. MJ email containing Protective Order # 3 Witnesses	M - 033
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Inactive Section

Prosecution (P Designations)

Name	Motion Filed	Response Filed	Reply Filed	Status /Disposition/Notes OR = First (original) filing in series Letter indicates filings submitted after	AE
				initial filing in the series. Ref=Reference	
P 001: Motion to Reconsider (Dismissal Order)	1700hr 08 June 07	20 June 07		 Prosecution Motion to Reconsider (Dismissal Order) A. MJ email on 08 June 07 denying prosecution requested relief (to extend appeal deadline) B. Defense email declining to respond to Motion to Reconsider 	OR - 017 A - 018 B - 022 C - 023
P 002: MCRE 505 Review Request				 C. MJ ruling on 29 June 07 denying Motion to Reconsider MJ email dtd 30 Nov 07 concerning methods of handling the disclosure of classified and other government information – in response to Prosecution ex parte request A. Pros email dtd 1 Dec 07 notifying MJ of intent to file matters in camera and ex parte under R.M.C. 505e 	OR -054 A – 054
				 B. MJ email dtd 2 Dec 07 confirming receipt of pros notification C. Def email dtd 3 Dec 07 objecting to ex parte communications D. MJ email dtd 3 Dec 07 offering R.M.C. 802 or delay on ruling until pros reply E. Pros email dtd 4 Dec 07 replying to Def objections F. Def email dtd 4 Dec 07 reaffirming objections to ex parte communication on R.M.C. 505e matter 	B - 054 $C - 054$ $D - 054$ $E - 054$ $F - 054$

Name	Motion Filed	Response Filed	Reply Filed	Status /Disposition/Notes OR = First (original) filing in series Letter indicates filings submitted after initial filing in the series. Ref=Reference	AE
P 002: MCRE 505 Review Request (Continued)				 G. Def email dtd 4 Dec 07, 8:00 pm, requesting oral argument H. MJ ruling dtd 5 Dec on procedures for R.M.C. 505/506 matters I. MJ email and ruling dtd 7 Dec 07 on Pros R.M.C. 505e en camera and ex parte matter raised 1 Dec 07 	G – 054 H – 054 I - 054
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Inactive Section

Defense (D Designations)

Designation Name	Motion Filed	Response Filed	Reply Filed	Status /Disposition/Notes 0R = First (original) filing in series Letter indicates filings submitted after initial filing in the series. Ref=Reference	AE
D 001: Motion to Vacate, or Alternately, for Continuance	25 Sep 07	27 Sep 07		 Defense Motion to Vacate, or Alternately, for a Continuance A. Prosecution email 26 Sep 07 (opposing motion to vacate or continue) requesting 	OR – 030 A – 030
				 deadline of COB 27 Sep 07 to file response B. MJ email 26 Sep 07 directing Prosecution to file response by 1612 27 Sep 07 	B – 030
				• C. Defense email 27 Sep 07 containing additional matters to consider re: Motion to Vacate, or Alternately, for a Continuance	C – 030
				• D. MJ email 26 Sep 07 indicating MJ will consider Defense additional matters	D – 030
				• E. Prosecution official response to Motion to Vacate, or Alternately, for Continuance 27 Sep	E – 030
				 F. MJ ruling on 27 Sep 07 granting a continuance to week of 5 Nov 07. 	F - 030
D 002: Motion for Abeyance of Proceedings	10 Oct 07	12 Oct 07	12 Oct 07	 Defense Motion to Abate 10 Oct 07 A. MJ email 10 Oct 07 to Prosecution to advise commission on the government's position re Motion to Abate NLT 100 12 Oct 07 	OR – 034 A - 034
				B. Defense email 10 Oct 07containing additional matters re Motion to Abate	B – 034

Designation Name	Motion Filed	Response Filed	Reply Filed	Status /Disposition/Notes 0R = First (original) filing in series Letter indicates filings submitted after initial filing in the series. Ref=Reference	AE
D 002: Motion for Abeyance of Proceedings	10 Oct 07	12 Oct 07	12 Oct 07	C. MJ email 10 Oct 07 instructing prosecution to consider additional matters	C – 034
(Continued)				• D. Government Response to Defense Motion to Abate 12 Oct 07	D – 034
(Continued)				• E Defense reply to Government Response 12 Oct 07	E – 034
				• F. MJ ruling on 15 Oct 07 denying abeyance	F - 034
D 003: Motion for Continuance				• Defense Motion for Continuance until on or about 6 Dec 07	OR - 041
				• A. Summary of 24 Oct 07 R.M.C. 802 Hearing	A - 041
				•B. Prosecution email dtd 25 Oct 07 requesting extension to 1600 hrs 25 Oct 07 to file	B - 041
				response • C. MJ email 25 Oct 07 granting extension of Prosecution deadline for response until 1630 hrs 25 Oct 07	C - 041
				• D. MJ email 25 Oct 07 denying Motion for Continuance	D - 041
D 004: Motion for Proper Status Determination	1 Nov 07	7 Nov 07		Defense Motion for Proper Status Determination	OR – 042
				• A. Government Response to Defense Motion for Proper Status Determination, 7 Nov 07	A – 042
				• B. Government Email addressing Unresolved Issue 7 Nov 07	B – 042
				• C. MJ Ruling on Defense Motion for Proper Status Determination Hearing 7 Nov 07	C - 042
D 005: Motion for Continuance	2 Nov 07, 1111	2 Nov 07,	2 Nov 07,	Defense Motion for Continuance	OR – 045
	hrs	1701 hrs	1854 hrs	• A. MJ Email directing government to respond NLT 1700 hrs 2 Nov 07	A – 045

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Designation Name	Motion Filed	Response Filed	Reply Filed	Status /Disposition/Notes 0R = First (original) filing in series Letter indicates filings submitted after initial filing in the series. Ref=Reference	AE
D 005: Motion for Continuance (Continued)	2 Nov 07, 1111 hrs	2 Nov 07, 1701 hrs	2 Nov 07, 1854 hrs	 B. Government email response to Defense Motion to Continue 2 Nov 07, 1701 hrs C. MJ Email 2 Nov 07, 1855 hrs denying Motion for Continuance 	B - 045 C - 045 D - 045
				 D. Defense email reply to Government response 2 Nov 07, 1854 hrs E. MJ Email Affirming Denial of Motion to Continue 2 Nov 07, 2023 hrs 	E - 045
D 006: Defense Special Request for Deposition of FBI Witness	6 Nov 07	9 Nov 07	10 Nov 07	 Defense Special Request for Deposition of FBI Witness A. MJ email dtd 6 Nov 07 urging 	OR – 051 A - 051
				Government Response to Defense Special Request for Deposition of FBI Witness B. Government email response to Defense Special Request for Deposition of FBI	B – 051
				 Witness C. MJ email dtd 10 Nov 07 asking if Defense Intended to Reply to Government Response to Defense Special Request for Deposition of 	C – 051
				FBI Witness • D. Defense email reply requesting leave to withdraw Special Request for Deposition of FBI Witness	D – 051
				• E. NJ email dtd 10 Nov 07 granting withdrawal of Request for Deposition of FBI Witness	E - 051
D 007: Defense Request for Continuance for Submission of All Law Motions				 Defense Request for Continuance for Submission of All Law Motions A. Defense proposed trial schedule dtd 29 Oct 07 	OR – 052 A – 052

Designation Name	Motion Filed	Response Filed	Reply Filed	Status /Disposition/Notes 0R = First (original) filing in series Letter indicates filings submitted after initial filing in the series. Ref=Reference	AE
D 007: Defense Request for Continuance for Submission of All Law Motions (Continued)				 B. Government proposed trial schedule dtd 30 Oct 07 C. R.M.C. 802 Hearing dtd 7 Nov 07 D. MJ email dtd 9 Nov 07 granting Continuance for Submission of All Law Motions E. MJ email dtd 11 Jan 08 clarifying Trial 	B - 052 C - 049 D - 052 E - 052
(Continued)					Е

Inactive Section

MJ Designations

Designation Name (MJ)	Status /Disposition/Notes 0R = First (original) filing in series Letter indicates filings submitted after initial filing in the series. Ref=Reference	AE
MJ 001: Detail of Military Judge, and Scheduling of First Session	 Sent to all parties 25 Apr 07 w/arraignment date of 7 May A. DC request continuance on 26 Apr to 6 Jun B. TC opposition on 27 Apr C. MJ ruling on 27 Apr - arraignment on 4 Jun Email instructions to parties setting 802 session for 3 Jun 07 and arraignment for 0900, 4 Jun 07 	OR - 005 A - 006 B - 006 C - 006 (none)
MJ 002: Voir Dire	 MJ sent bio and Matters re Voir Dire 25 Apr 07 directing questions be submitted 4 May 07 A. MJ sent addendum to Voir Dire 15 Oct 07 addressing appointment of new Chief Prosecutor B. Defense Email 1 Nov 07 with written voir dire questions C. MJ Email 2 Nov 07 with responses to written voir dire 	OR -005 A - 036 B - 036 C - 036
MJ 003: Rules of Court	 Sent to all parties 25 Apr 07 A. Rules of Court (Change 1) sent to all parties 11 Oct 07 B. Rules of Court (Change 2) sent to all parties 2 Nov 07 	005 A – 037 B - 043
MJ 004: Initial Notice of Trial Proceedings following CMCR Ruling	 Sent to all Parties 25 Sep 07 A. Defense Motion to Vacate, or Alternately, for Continuance (SEE D 001) 	OR - 030 A - 030
	 B. MJ ruling on 27 Sep 07 granting a continuance to week of 5 Nov 07. (SEE D 001) C. Defense email 28 Sep 07 requesting relief for deadlines 	B - 030 C - 030
	 on submissions for 8 Nov 07 hearing D. MJ email adjusting deadlines for submissions to reflect 8 Nov 07 hearing date 	D - 030

Designation Name (MJ)	Status /Disposition/Notes OR = First (original) filing in series Letter indicates filings submitted after initial filing in the series. Ref=Reference	AE
MJ 005: Special Instructions to Parties re 8 Nov 07 Hearing to	• Sent to all parties 10 Oct 07	OR 036
determine Initial Threshold Status	A. Prosecution email concerning discovery releases to Defense	A – 036
	B. Prosecution Email 2 Nov 07 suggesting procedural and evidentiary guidelines for 8 Nov 07 Hearing	None
MJ 006: Motion by Press Petitioners for Public Access to Proceedings and Records	• Motion by Press Petitioners for Public Access to Proceedings and Records dtd 21 Nov 07	OR – 053
	• A. MJ email dtd 21 Jun 07 directing parties to provide their positions on how the Commission should treat and respond to the Motion by Press Petitioners	A - 053
	B. Government Response to Motion by Press Petitioners for Public Access to Proceedings and Records dtd 28 Nov 07	B - 053
	C. Defense Response to Motion by Press Petitioners for Public Access to Proceedings and Records dtd 28 Nov 07	C – 053
	 D. MJ Ruling on Motion by Press Petitioners for Public Access to Proceedings and Records dtd 28 Nov 07 	D - 053
MJ 007: Special Instructions to Parties re Submitting Documents Requiring Redaction	• MJ email dtd 30 Nov 07 instructing parties to ensure proper redaction takes place before submission of documents	(None)
MJ 008: Emergency Weekend GTMO Visitation	• MJ email dtd 28 Nov 07 instructing Trial Counsel to provide information on the weekend visitation policy at the GTMO detention facility	OR – 055
	• A. Pros email dtd 12 Dec 07 providing MJ information requested	A – 055
	• B. MJ email dtd 12 Dec 07 denying Def request to delay start of 4 Feb 08 motions hearing to 6 Feb 07 (See MJ 009 – Trial Schedule)	B - 055